

## **REMARKS**

### **Drawings**

Applicant has noted the Examiner's comments regarding the omission of certain claimed features from the drawings. Particularly, the Examiner objects that Claims 37 and 38 recite pivotally mounted doors that are not shown in the drawings. Applicant respectfully brings the Examiner's attention to Figure 7, which clearly depicts a pivotally mounted door (48) as per Claim 38. With respect to Claim 37, Applicant has added Figure 7A to illustrate a seat attached to a pivotally mounted door. Applicant respectfully submits that no new matter has been added. The support for a seat attached to a pivotally mounted door can be found in the specification at page 11 commencing at line 25 and more specifically at page 12, lines 5-7 as well as the originally filed Claim 37. Applicant respectfully submits that these changes are not for the purpose of introducing any new matter and thus respectfully ask that all amendments to the drawings be entered and further that all objections to the drawings have been overcome.

### **Claim Rejections – 35 USC § 102**

Reconsideration is respectfully requested for Claims 24, 30, and 34, said claims having been rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 6,494,404 to Meyer. These rejections are respectfully traversed.

Meyer '404 does not teach, disclose, nor even suggest at least one row of seats mounted to a frame below the seats as per amended Claim 24. The Meyer '404 passenger compartment is more akin to a pod wherein the passenger seating area is surrounded by walls or supports. The pod is described as being fabricated from a rigid metallic material and being of a generally hollow cylindrical configuration. Thus, implying walls or a framework surrounding the seating area. Further, the Meyer '404 pod has end covers. Further, Meyer '404 describes circular hoops forming the pod. (Col. 4, line 43 - Col. 5, line 8).

In sharp contrast, Applicant's frame is below the seats, much akin to a sled, and the seating area is not enclosed on neither the back, front, nor sides. Therefore, Claims 24, 30, and 34 are now respectfully submitted to be in formal condition for allowance.

Reconsideration is respectfully requested for Claims 24, 27, 28, 35, and 58, said claims having been rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 3,289,981 to Meyer. These rejections are respectfully traversed.

Applicant respectfully submits that the Meyer '981 passenger compartment is not the same as per amended Claim 24 since the Meyer '981 compartment is a capsule that has a framework surrounding the passenger compartment. Therefore, Claims 24, 27, 28, 35, and 58 are now respectfully submitted to be in formal condition for allowance.

#### Claim Rejections – 35 USC § 103

Reconsideration is respectfully requested for Claims 25, said claims having been rejected under 35 USC 103(a) as being unpatentable over either Myer (U.S. Patent No. 3,289,981 or U.S. Patent No. 6,494,404), as applied to Claim 24, and further in view of U.S. Patent No. 2,388,380 to Bathurst. These rejections are respectfully traversed. Claim 25 depends from Claim 24 and is thereby submitted to be patentable for the reasons set forth above.

Reconsideration is respectfully requested for Claims 29, said claim having been rejected under 35 USC 103(a) as being unpatentable over either Myer (U.S. Patent No. 3,289,981 or U.S. Patent No. 6,494,404), as applied to Claim 24, and further in view of U.S. Patent No. 6,007,025 to Coughren. These rejections are respectfully traversed. Claim 29 depends from Claim 24 and is thereby submitted to be patentable for the reasons set forth above.

Reconsideration is respectfully requested for Claim 32, said claim having been rejected under 35 USC 103(a) as being unpatentable over either Myer (U.S. Patent No. 3,289,981 or U.S. Patent No. 6,494,404), as applied to Claim 24, and further in view of U.S. Patent No. 5,716,027 to Hart. These rejections are respectfully traversed. Claim 32 depends from Claim 24 and is thereby submitted to be patentable for the reasons set forth above.

Reconsideration is respectfully requested for Claim 39, said claim having been rejected under 35 USC 103(a) as being unpatentable over either Myer (U.S. Patent No. 3,289,981 or U.S. Patent No. 6,494,404), as applied to Claim 24, and further in view of U.S. Patent No. 6,281,797 to Forster. These rejections are respectfully traversed. Claim 39 depends indirectly from Claim 24 and is thereby submitted to be patentable for the reasons set forth above.

Reconsideration is respectfully requested for Claims 33, 37, 38, and 57, said claims having been rejected under 35 USC 103(a) as being unpatentable over either Myer (U.S. Patent No. 3,289,981 or U.S. Patent No. 6,494,404), as applied to Claim 24. These rejections are respectfully traversed. Claims 33, 37, 38, and 57 depend, directly or indirectly, from Claim 24 and are thereby submitted to be patentable for the reasons set forth above.

### Allowable Subject Matter

Applicants appreciate the Examiner's allowance of Claims 26 and 31 if rewritten in independent form including all the limitations of the base claim and any intervening claims. However, as discussed hereinabove, Applicant respectfully submits that because the rejections of Claim 24 have been overcome and because Claims 26 and 31 depend from Claim 24, Claims 26 and 31 stand in condition for allowance.

### Conclusion

In light of the above amendments and discussion, Applicant respectfully submits that the application now stands in prima facie condition for allowance and courteously requests that this application be advanced to issue. The Applicant is of the opinion that no additional fees are required with the submission of this response. However, if additional fees are required, the Commissioner is hereby respectfully authorized to deduct such fees from Deposit Account Number 13-2166. The Examiner is respectfully invited to call the Applicant's representative, Taras P. Bemko, at 713-355-4200, to discuss any matters, that may arise, where such discussion may resolve such matters and place this application in condition for allowance..

Respectfully Submitted,

Date

Sept 15 2006



Taras P. Bemko.  
Registration No. 52,609  
The Matthews Firm (Customer # 021897)  
2000 Bering, Ste. 700  
Houston, Texas 77057  
(713) 355-4200 - Telephone  
(713) 355-9689 - Facsimile